

REMARKS/ARGUMENTS

In view of the Appeal Brief filed on February 27, 2007, the Office withdrew the previous rejection under 35 U.S.C. § 102(e) over U.S. Patent No. 6,714,918 to *Hillmer* and reopened prosecution. In the present Office Action, the Office asserts a new rejection of the claims under 35 U.S.C. 103(a) over the combination *Hillmer* with U.S. Patent Publication No. 2003/0046222 to *Bard*. This rejection is respectfully traversed because the shortcomings of *Hillmer* as anticipatory prior art—discussed extensively in the Appeal Brief—are not remedied by *Bard*.

The Brief noted that *Hillmer* was not anticipatory prior art because it did not expressly or inherently describe an analysis engine that is operable to determine a transaction velocity from transactions made on different stored value products from different issuers (see Appeal Brief of Feb 27, 2007, p. 6, 1st paragraph). In contrast, independent Claims 1, 6, and 16 included this element, making these claims and their dependent claims patentable over *Hillmer*. Apparently, the Office agreed with this argument because the rejection over *Hillmer* alone was withdrawn before an Examiner’s Answer filed.

Now the Office is rejecting the claims as obvious over the combination of *Hillmer* and a second reference, *Bard*. The Office’s stated reason for introducing *Bard* was:

However Schultz [sic] does not explicitly teach from a different issuer than an issuer of the first stored value product. On the other hand, Bard discloses from a different issuer than an issuer of the first stored value product (para. 0010-0011 and 0112).

Office Action, p. 3, last paragraph to top of p. 4.

However, the paragraphs of *Bard* cited as describing “a different issuer than an issuer of the first stored value product” appear only to describe a single credit card issuer selecting and monitoring the creditworthiness of its potential and actual customers. There is no description or suggestion in these paragraphs that two or more different issuers are pooling information as part of this selection and monitoring process. Thus, contrary to the Office’s

characterization, these paragraphs do not “disclose[s] from a different issuer than an issuer of the first stored value product.”

For the Office to establish a *prima facie* case of obviousness of the claims over the references, *Bard* must remedy the deficiency with *Hillmer* not describing an analysis engine that is operable to determine a transaction velocity from transactions made on different stored value products from different issuers. However, *Bard* also fails to describe this element of the claims. *Bard* describes “a system and method for providing starter credit card products to selected customers of a credit card issuer” (see *Bard*, Abstract, Ins. 1-2). This description of the invention, and others like it throughout the reference refer to an *issuer* in the singular, not plural. There is no description or suggestion that two or more *issuers* pool information in selecting customers for starter credit card products. Thus, *Bard* also lacks even the suggestion of an analysis engine that is operable to determine a transaction velocity from transactions made on different stored value products from different issuers. Since neither *Hillmer* nor *Bard* suggest this element of Claims 1, 6, and 16, the claims (and their dependent claims) are allowable over this combination of references. Accordingly, withdrawal of the rejection of Claims 1-2, 4-6, and 8-21 under 35 U.S.C. § 103(a) over *Hillmer* in view of *Bard* is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

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Reply to Office Action of June 29, 2007

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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